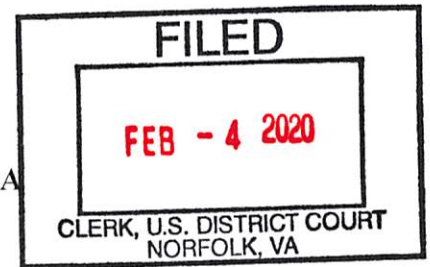


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



BASIR ABDUL-NAFI, #1202606,

Petitioner,

v.

Action No. 2:18cv608

HAROLD W. CLARKE,  
Director, Virginia Department of Corrections,

Respondent.

**FINAL ORDER**

Petitioner Basir Abdul-Nafi ("Abdul-Nafi"), a Virginia inmate, submitted a *pro se* petition pursuant to 28 U.S.C. § 2254 to the United States District Court for the Western District of Virginia. ECF No. 1. Abdul-Nafi alleges his federal rights were violated when he was convicted in the Circuit Court for the City of Hampton on August 16, 2013, of aggravated sexual battery. ECF No. 1 at 7. As a result of the conviction, Abdul-Nafi was sentenced to twenty years incarceration with ten years suspended. *Id.* The habeas case challenging a conviction in the Circuit Court for the City of Hampton was transferred to this Court on November 16, 2018. ECF No. 2.

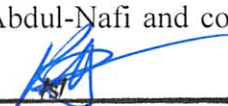
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed December 13, 2019, recommends that respondent's motion to dismiss (ECF No. 11) be granted, and the petition for writ of habeas corpus (ECF No. 1) be denied and dismissed with prejudice. ECF No. 17. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On December 30, 2019, the Court received Abdul-Nafi's objections to the report and recommendation. ECF No. 18.

The Court, having reviewed the record and examined the objections filed by Abdul-Nafi to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 11, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED** with prejudice.

Abdul-Nafi has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Abdul-Nafi is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Abdul-Nafi intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Abdul-Nafi may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Abdul-Nafi and counsel of record for respondent.

  
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Raymond A. Jackson  
United States District Judge

\_\_\_\_\_  
Raymond A. Jackson  
United States District Judge

Norfolk, Virginia  
February 4, 2020